

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

IN RE: TESTOSTERONE REPLACEMENT THERAPY PRODUCTS LIABILITY LITIGATION	MDL No. 2545 Master Docket Case No. 1:14-cv-01748 Honorable Matthew F. Kennelly
THIS DOCUMENTS RELATES TO:	

**JOINT STATUS REPORT REGARDING SELECTION OF
ACTAVIS-ONLY BELLWETHER TRIAL CASES
PURSUANT TO CASE MANAGEMENT ORDER NO. 37**

In accordance with Case Management Order No. 37, ¶ 8 and the requirement that two of the six Actavis-only Bellwether Discovery Cases be selected as the Bellwether Trial Case and Alternate Bellwether Trial Case, the PSC and Actavis Defendants hereby file this Joint Status Report and advise the Court that the parties have agreed to select one myocardial infarction case each for later designation as the Bellwether Trial Case and the Alternate Bellwether Trial Case. Pursuant to that agreement, the PSC selects *Brad Martin, et al. v. Actavis, Inc., et al.*, Case No. 15-cv-4292 as its choice for an Actavis-only Bellwether Trial Case, and Actavis Defendants select *Casey Brubaker, et al. v. Actavis, Inc., et al.*, Case No. 15-cv-0426 as its choice for an Actavis-only Bellwether Trial Case, with the understanding that the case not ultimately chosen as the Bellwether trial case will be the Alternate Bellwether Trial Case.

The parties submit that the *Martin* case and the *Brubaker* case are appropriate Bellwether Trial Cases. In both cases, plaintiff alleges he suffered a myocardial infarction as a result of using Androderm. Over 70% of the Actavis-only cases pending in the TRT MDL involve a claim of cardiovascular injury, many of which are myocardial infarction cases. Trying a

myocardial infarction case will be instructive to the majority of Actavis-only cases in the TRT MDL.

WHEREFORE, the PSC and Actavis Defendants request that the Court enter the attached proposed Case Management Order memorializing the agreement of the parties and designating the *Martin* case and the *Brubaker* case as the Bellwether Trial Case and Alternate Bellwether Trial Case, pursuant to CMO No. 37, with the final designation of which case will be the Bellwether Trial Case and which case will be the Alternate Bellwether Trial Case to be made at a later date.

Dated: December 8, 2017

Respectfully submitted,

/s/ Jeffrey D. Geoppinger

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CERTIFICATE OF SERVICE

I hereby certify that on the 8th day of December, 2017, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which sent notification of such filing and transmittal of a Notice of Electronic Filing to all CM/ECF participants.

/s/ Jeffrey D. Geoppinger

Jeffrey D. Geoppinger